IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

Crl.Rev.Pet.No. 24 of 2000(C)

CRA.337/1998 of IVTH ADDL.SESSIONS COURT, ERNAKULAM.
CC.101/1997 of JUDL.MAGISTRATE OF FIRST CLASS-I, ERNAKULAM
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REVN. PETITIONER: APPELLANT/ACCUSED

D.LALY, ASWATHY HOUSE,
PERUMANOO P.O., ERNAKULAM.

BY ADV. SRI.P.T.JOSE

RESPONDENTS/ RESPONDENT/ COMPLAINANT
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1. **P.C.THOMAS, B.F.G.FLAT NO.3,**
   VASANTH NAGA, PALAIVATTOM,
   KOCHI- 25.

2. **STATE OF KERALA, REP.BY**
   GOVERNMENT PLEADER,
   HIGH COURT OF KERALA.

BY ADV. SRI.M.K.DILEEPAN
SRI.DEEPAK T.NEDUNGADAN
SRI.K.D.VINCENT
PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 03/12/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B. Koshy, J.

Crl.R.P. No. 24 of 2000

Dated this the 3rd day of December, 2007

Order

A complaint was filed under section 138 of the Negotiable Instruments Act contending that an amount of Rs.16,500/- was borrowed and cheque was issued. The cheque was dishonoured for insufficiency of funds. Both trial court and appellate court found that the cheque was issued for valid consideration and cheque was dishonoured for insufficiency of funds and all statutory formalities were complied. There is no ground for interference in the conviction entered. However, I modify the sentence. The appellate court imposed the sentence of undergoing simple imprisonment for three months and to pay a fine of Rs.17,000/-. I alter the sentence. The Crl. revision petitioner is directed to undergo imprisonment till rising of the court and to pay a compensation of Rs.17,000/-. If he pays the amount to the complainant directly and produces proof for depositing the amount before the Magistrate's court, he need suffer imprisonment till the rising of the court. He may appear before the Magistrate's court on or before 18.1.2008 for receiving the sentence.

J.B.Koshy
Judge

vaa

J.B. KOSHY, J.

Crl. R.P. No.24/2000

Order

Dated:3rd December, 2007